

SEAN CUNNINGHAM (Bar No. 174931)
sean.cunningham@dlapiper.com
KATHRYN RILEY GRASSO (Bar No. 211187)
kathryn.riley@dlapiper.com
RYAN W. COBB (Bar No. 277608)
ryan.cobb@dlapiper.com
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: (619) 699-2700
Fax: (619) 699-2701

SUMMER KRAUSE (Bar No. 264858)
summer.krause@dlapiper.com
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2215
Tel: 650.833.2000
Fax: 650.833.2001

TODD S. PATTERSON (pro hac vice)
Texas Bar No. 24060396
DLA PIPER LLP (US)
401 Congress Avenue, Suite 2500
Austin, TX 78701-3799
Telephone: 512-457-7000
Facsimile: 512-457-7001

Attorneys for Defendant and Counterclaimant
FIREEYE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FINJAN, INC., a Delaware Corporation,

Plaintiff,

v.

FIREEYE, INC., a Delaware Corporation,

Defendant.

CASE NO. 13-CV-03133 (SBA)

**NOTICE OF ADMINISTRATIVE
DECISIONS AFFECTING DEFENDANT'S
MOTION FOR STAY PENDING
REEXAMINATION PROCEEDINGS**

Dept.: Courtroom 1 - 4th Floor
Judge: Honorable Sandra B. Armstrong

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Pursuant to Local Rule 7-3(d), Defendant FireEye, Inc. ("FireEye") brings to the Court's attention the administrative decisions recently issued by the United States Patent & Trademark Office ("Patent Office") regarding the *ex parte* reexaminations of United States Patent Nos. 7,058,822 ("the '822 Patent"), 7,647,633 ("the '633 Patent") and 8,079,086 ("the '086 Patent"), which are related to FireEye's motion to stay this case pending reexamination. (Dkt. No. 28.)

On November 19, 2013, the Patent Office granted FireEye's request for *ex parte* reexamination of claims 1-7 and 28-33 of the '633 Patent and rejected those claims. A copy of the Patent Office's decision is attached as Exhibit A.

On December 5, 2013, the Patent Office granted FireEye's request for *ex parte* reexamination of claims 1-8 and 16-27 of the '822 Patent. A copy of the Patent Office's decision is attached as Exhibit B.

On November 19, 2013, the USPTO denied FireEye's request for *ex parte* reexamination of claims 1-8, 17-23, 31-32, 35-36, 39 and 41 of the '086 Patent. On February 7, 2014, FireEye filed a second request for *ex parte* reexamination of the '086 Patent. FireEye's February 7, 2014 Request for *Ex Parte* Reexamination of the '086 Patent is attached as Exhibit C.

On January 14, 2014, Finjan acquiesced to having the Patent Office resolve issues between FireEye and Finjan when it filed a request for *Inter Partes* review of FireEye's United States Patent No. 8,291,499 ("the '499 Patent"). On January 30, 2014, Finjan filed a corrected petition remedying errors in the original request, and on February 1, 2014, the Patent Office accepted the petition styled as IPR2014-00344. The '499 Patent has not been asserted in this litigation and FireEye has not threatened to assert the '499 Patent against Finjan.

Dated: February 28, 2014

DLA PIPER LLP (US)

By /s/ Sean Cunningham
 SEAN CUNNINGHAM
 KATHRYN RILEY GRASSO
 TODD PATTERSON
 RYAN W. COBB
 SUMMER KRAUSE
 Attorneys for Defendant
 FIREEYE, INC.